

date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

CHAPTER 9—PACKERS AND STOCKYARDS

SUBCHAPTER I—GENERAL DEFINITIONS

- Sec.
181. Short title.
182. Definitions.
183. When transaction deemed in commerce; “State” defined.

SUBCHAPTER II—PACKERS GENERALLY

PART A—GENERAL PROVISIONS

191. “Packer” defined.
192. Unlawful practices enumerated.
193. Procedure before Secretary for violations.
194. Conclusiveness of order; appeal and review.
195. Punishment for violation of order.
196. Statutory trust established; livestock.
197. Statutory trust established; poultry.
197a. Production contracts.
197b. Choice of law and venue.
197c. Arbitration.

PART B—SWINE PACKER MARKETING CONTRACTS

198. Definitions.
198a. Swine packer marketing contracts offered to producers.
198b. Report on the Secretary’s jurisdiction, power, duties, and authorities.

SUBCHAPTER III—STOCKYARDS AND STOCKYARD DEALERS

201. “Stockyard owner”; “stockyard services”; “market agency”; “dealer”; defined.
202. “Stockyard” defined; determination by Secretary as to particular yard.
203. Activity as stockyard dealer or market agency; benefits to business and welfare of stockyard; registration; penalty for failure to register.
204. Bond and suspension of registrants.
205. General duty as to services; revocation of registration.
206. Rates and charges generally; discrimination.
207. Schedule of rates.
208. Unreasonable or discriminatory practices generally; rights of stockyard owner of management and regulation.
209. Liability to individuals for violations; enforcement generally.
210. Proceedings before Secretary for violations.
211. Order of Secretary as to charges or practices; prescribing rates and practices generally.
212. Prescribing rates and practices to prevent discrimination between intrastate and interstate commerce.
213. Prevention of unfair, discriminatory, or deceptive practices.
214. Effective date of orders.
215. Failure to obey orders; punishment.
216. Proceedings to enforce orders; injunction.
217. Proceedings for suspension of orders.
217a. Fees for inspection of brands or marks.

SUBCHAPTER IV—LIVE POULTRY DEALERS AND HANDLERS

218 to 218d. Repealed.

SUBCHAPTER V—GENERAL PROVISIONS

221. Accounts and records of business; punishment for failure to keep.
222. Federal Trade Commission powers adopted for enforcement of chapter.
223. Responsibility of principal for act or omission of agent.
224. Attorney General to institute court proceedings for enforcement.

- Sec.
225. Laws unaffected.
226. Powers of Interstate Commerce Commission unaffected.
227. Powers of Federal Trade Commission and Secretary of Agriculture.
228. Authority of Secretary.
228a. Authority of Secretary to request temporary injunction or restraining order.
228b. Prompt payment for purchase of livestock.
228b-1. Final date for making payment to cash seller or poultry grower.
228b-2. Violations by live poultry dealers.
228b-3. Judicial review of order regarding live poultry dealer.
228b-4. Violation of final order by live poultry dealer; penalty.
228c. Federal preemption of State and local requirements.
228d. Annual assessment of cattle and hog industries.
229, 229a. Repealed.
229b. Right to discuss terms of contract.
229c. Separability.

SUBCHAPTER VI—CHARGE FOR INSPECTION

231. Omitted.

TRANSFER OF FUNCTIONS

Functions of Bureau of Animal Industry transferred to Secretary of Agriculture by 1947 Reorg. Plan No. 1, § 301, eff. July 1, 1947, 12 F.R. 4534, 61 Stat. 952. See note set out under section 391 of this title.

By order of Secretary of Agriculture, Packers and Stockyards Administration abolished on July 1, 1927, and enforcement of Packers and Stockyards Act of 1921, which is classified to this chapter, was put under control of chief of Bureau of Animal Industry.

SUBCHAPTER I—GENERAL DEFINITIONS

§ 181. Short title

This chapter may be cited as the “Packers and Stockyards Act, 1921.”

(Aug. 15, 1921, ch. 64, title I, § 1, 42 Stat. 159.)

SHORT TITLE OF 1987 AMENDMENT

Pub. L. 100-173, § 1, Nov. 23, 1987, 101 Stat. 917, provided that: “This Act [enacting sections 197 and 228b-1 to 228b-4 of this title, amending sections 182, 192, 209, 221, 223, 227, and 228a of this title, repealing sections 218 to 218d of this title, and enacting provisions set out as notes under sections 182 and 227 of this title] may be cited as the ‘Poultry Producers Financial Protection Act of 1987.’”

IMPROVED INVESTIGATIVE AND ENFORCEMENT ACTIVITIES UNDER THIS CHAPTER

Pub. L. 106-472, title III, § 312(a)-(d), Nov. 9, 2000, 114 Stat. 2076, 2077, provided that:

“(a) IMPLEMENTATION OF GENERAL ACCOUNTING OFFICE [NOW GOVERNMENT ACCOUNTABILITY OFFICE] RECOMMENDATIONS.—Not later than 1 year after the date of the enactment of this Act [Nov. 9, 2000], the Secretary of Agriculture shall implement the recommendations contained in the report issued by the General Accounting Office [now Government Accountability Office] entitled ‘Packers and Stockyards Programs: Actions Needed to Improve Investigations of Competitive Practices’, GAO/RCED-00-242, dated September 21, 2000.

“(b) CONSULTATION.—During the implementation period referred to in subsection (a), and for such an additional time period as needed to assure effective implementation of the recommendations contained in the report referred to in such subsection, the Secretary of Agriculture shall consult and work with the Department of Justice and the Federal Trade Commission in order to—

“(1) implement the recommendations in the report regarding investigation management, operations, and case methods development processes; and

“(2) effectively identify and investigate complaints of unfair and anti-competitive practices in violation of the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), and enforce the Act.

“(c) TRAINING.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall develop and implement a training program for staff of the Department of Agriculture engaged in the investigation of complaints of unfair and anti-competitive activity in violation of the Packers and Stockyards Act, 1921. In developing the training program, the Secretary of Agriculture shall draw on existing training materials and programs available at the Department of Justice and the Federal Trade Commission, to the extent practicable.

“(d) IMPLEMENTATION REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report describing the actions taken to comply with this section.”

§ 182. Definitions

When used in this chapter—

(1) The term “person” includes individuals, partnerships, corporations, and associations;

(2) The term “Secretary” means the Secretary of Agriculture;

(3) The term “meat food products” means all products and byproducts of the slaughtering and meat-packing industry—if edible;

(4) The term “livestock” means cattle, sheep, swine, horses, mules, or goats—whether live or dead;

(5) The term “livestock products” means all products and byproducts (other than meats and meat food products) of the slaughtering and meat-packing industry derived in whole or in part from livestock;

(6) The term “poultry” means chickens, turkeys, ducks, geese, and other domestic fowl;

(7) The term “poultry product” means any product or byproduct of the business of slaughtering poultry and processing poultry after slaughter;

(8) The term “poultry grower” means any person engaged in the business of raising and caring for live poultry for slaughter by another, whether the poultry is owned by such person or by another, but not an employee of the owner of such poultry;

(9) The term “poultry growing arrangement” means any growout contract, marketing agreement, or other arrangement under which a poultry grower raises and cares for live poultry for delivery, in accord with another’s instructions, for slaughter;

(10) The term “live poultry dealer” means any person engaged in the business of obtaining live poultry by purchase or under a poultry growing arrangement for the purpose of either slaughtering it or selling it for slaughter by another, if poultry is obtained by such person in commerce, or if poultry obtained by such person is sold or shipped in commerce, or if poultry products from poultry obtained by such person are sold or shipped in commerce; and

(11) The term “commerce” means commerce between any State, Territory, or possession, or the District of Columbia, and any place out-

side thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession, or the District of Columbia.

(12) SWINE CONTRACTOR.—The term “swine contractor” means any person engaged in the business of obtaining swine under a swine production contract for the purpose of slaughtering the swine or selling the swine for slaughter, if—

(A) the swine is obtained by the person in commerce; or

(B) the swine (including products from the swine) obtained by the person is sold or shipped in commerce.

(13) SWINE PRODUCTION CONTRACT.—The term “swine production contract” means any growout contract or other arrangement under which a swine production contract grower raises and cares for the swine in accordance with the instructions of another person.

(14) SWINE PRODUCTION CONTRACT GROWER.—The term “swine production contract grower” means any person engaged in the business of raising and caring for swine in accordance with the instructions of another person.

(Aug. 15, 1921, ch. 64, title I, §2(a), 42 Stat. 159; Pub. L. 94-410, §3(c), Sept. 13, 1976, 90 Stat. 1249; Pub. L. 100-173, §2, Nov. 23, 1987, 101 Stat. 917; Pub. L. 107-171, title X, §10502(a), May 13, 2002, 116 Stat. 509.)

CODIFICATION

Section is composed of subsec. (a) of section 2 of act Aug. 15, 1921. Subsec. (b) of section 2 is classified to section 183 of this title.

AMENDMENTS

2002—Pars. (12) to (14). Pub. L. 107-171 added pars. (12) to (14).

1987—Pars. (6) to (11). Pub. L. 100-173 added pars. (6) to (10) and redesignated former par. (6) as (11).

1976—Pars. (4), (5). Pub. L. 94-410 substituted “live-stock” for “live stock” in par. (4) and for “live-stock” in par. (5).

EFFECTIVE DATE OF 1987 AMENDMENT

Pub. L. 100-173, §12, Nov. 23, 1987, 101 Stat. 923, provided that: “This Act and the amendments made by this Act [enacting sections 197 and 228b-1 to 228b-4 of this title, amending this section and sections 192, 209, 221, 223, 227, and 228a of this title, repealing sections 218 to 218d of this title, and enacting provisions set out as notes under sections 181 and 227 of this title] shall take effect 90 days after the date of the enactment of this Act [Nov. 23, 1987].”

SAVINGS PROVISION

Pub. L. 94-410, §10, Sept. 13, 1976, 90 Stat. 1252, provided that: “Pending proceedings shall not be abated by reason of any provision of this Act [enacting sections 196 and 228a to 228c of this title and amending this section and sections 183, 191 to 193, 201, 204, 207, 209, 210, 212, 213, 228, and 229 of this title], but shall be disposed of pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended [this chapter], and the Act of July 12, 1943 [section 204 of this title], in effect immediately prior to the effective date of this Act [Sept. 13, 1976].”

§ 183. When transaction deemed in commerce; “State” defined

For the purpose of this chapter (but not in anyway limiting the definition in section 182 of

this title) a transaction in respect to any article shall be considered to be in commerce if such article is part of that current of commerce usual in the livestock and meat-packing industries, whereby livestock, meats, meat food products, livestock products, dairy products, poultry, poultry products, or eggs, are sent from one State with the expectation that they will end their transit, after purchase, in another, including, in addition to cases within the above general description, all cases where purchase or sale is either for shipment to another State, or for slaughter of livestock within the State and the shipment outside the State of the products resulting from such slaughter. Articles normally in such current of commerce shall not be considered out of such current through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this chapter. For the purpose of this section the word "State" includes Territory, the District of Columbia, possession of the United States, and foreign nation.

(Aug. 15, 1921, ch. 64, title I, §2(b), 42 Stat. 160; Pub. L. 94-410, §3(c), Sept. 13, 1976, 90 Stat. 1249.)

CODIFICATION

Section is composed of subsec. (b) of section 2 of act Aug. 15, 1921. Subsec. (a) of section 2 is classified to section 182 of this title.

AMENDMENTS

1976—Pub. L. 94-410 substituted "livestock" for "live stock" and "live-stock" wherever appearing.

SUBCHAPTER II—PACKERS GENERALLY

PART A—GENERAL PROVISIONS

§ 191. "Packer" defined

When used in this chapter the term "packer" means any person engaged in the business (a) of buying livestock in commerce for purposes of slaughter, or (b) of manufacturing or preparing meats or meat food products for sale or shipment in commerce, or (c) of marketing meats, meat food products, or livestock products in an unmanufactured form acting as a wholesale broker, dealer, or distributor in commerce.

(Aug. 15, 1921, ch. 64, title II, §201, 42 Stat. 160; Pub. L. 94-410, §2, Sept. 13, 1976, 90 Stat. 1249.)

AMENDMENTS

1976—Pub. L. 94-410 substituted definition of "packer" for former definition which included provisions dealing with direct or indirect control of specified businesses through stock ownership or otherwise.

§ 192. Unlawful practices enumerated

It shall be unlawful for any packer or swine contractor with respect to livestock, meats, meat food products, or livestock products in unmanufactured form, or for any live poultry dealer with respect to live poultry, to:

(a) Engage in or use any unfair, unjustly discriminatory, or deceptive practice or device; or

(b) Make or give any undue or unreasonable preference or advantage to any particular person or locality in any respect, or subject any particular person or locality to any undue or unreasonable prejudice or disadvantage in any respect; or

(c) Sell or otherwise transfer to or for any other packer, swine contractor, or any live poultry dealer, or buy or otherwise receive from or for any other packer, swine contractor, or any live poultry dealer, any article for the purpose or with the effect of apportioning the supply between any such persons, if such apportionment has the tendency or effect of restraining commerce or of creating a monopoly; or

(d) Sell or otherwise transfer to or for any other person, or buy or otherwise receive from or for any other person, any article for the purpose or with the effect of manipulating or controlling prices, or of creating a monopoly in the acquisition of, buying, selling, or dealing in, any article, or of restraining commerce; or

(e) Engage in any course of business or do any act for the purpose or with the effect of manipulating or controlling prices, or of creating a monopoly in the acquisition of, buying, selling, or dealing in, any article, or of restraining commerce; or

(f) Conspire, combine, agree, or arrange with any other person (1) to apportion territory for carrying on business, or (2) to apportion purchases or sales of any article, or (3) to manipulate or control prices; or

(g) Conspire, combine, agree, or arrange with any other person to do, or aid or abet the doing of, any act made unlawful by subdivisions (a), (b), (c), (d), or (e).

(Aug. 15, 1921, ch. 64, title II, §202, 42 Stat. 161; Aug. 15, 1921, ch. 64, title V, §503, as added Aug. 14, 1935, ch. 532, 49 Stat. 649; Pub. L. 85-909, §1(1), Sept. 2, 1958, 72 Stat. 1749; Pub. L. 94-410, §3(a), Sept. 13, 1976, 90 Stat. 1249; Pub. L. 100-173, §3, Nov. 23, 1987, 101 Stat. 917; Pub. L. 102-237, title X, §1008(1), Dec. 13, 1991, 105 Stat. 1898; Pub. L. 106-78, title IX, §912, Oct. 22, 1999, 113 Stat. 1205; Pub. L. 107-171, title X, §10502(b)(1), (2)(A), May 13, 2002, 116 Stat. 509, 510.)

AMENDMENT OF SECTION

For termination of amendment by section 942 of Pub. L. 106-78, see Termination Date of 1999 Amendment note below.

AMENDMENTS

2002—Pub. L. 107-171, §10502(b)(1), substituted "packer or swine contractor" for "packer" in introductory provisions.

Subsec. (c). Pub. L. 107-171, §10502(b)(2)(A), inserted ", swine contractor," after "other packer" in two places.

1999—Subsec. (b). Pub. L. 106-78, §§912, 942, temporarily struck out "whatsoever" after "locality in any respect" and after "disadvantage in any respect". See Termination Date of 1999 Amendment note below.

1991—Subsec. (c). Pub. L. 102-237 substituted a comma for period after second reference to "dealer".

1987—Pub. L. 100-173, §3(1), substituted "for any packer with respect to livestock, meats, meat food products, or livestock products in unmanufactured form, or for any live poultry dealer with respect to live poultry, to" for "with respect to livestock, meats, meat food products, livestock products in unmanufactured form, poultry, or poultry products for any packer or any live poultry dealer or handler to" in introductory provisions.

Par. (c). Pub. L. 100-173, §3(2), struck out reference to poultry handlers wherever appearing and substituted "such persons" for "such packers".

1976—Pub. L. 94-410 struck out "in commerce" wherever appearing.